

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RHONDA HUGHES,)	CASE NO. 8:06CV291
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
BLUE CROSS BLUE SHIELD of)	
NEBRASKA, and)	
ANTHEM UM SERVICES, INC.,)	
)	
Defendants.)	

This matter is before the Court on the Motion to Dismiss (Filing No. 16) submitted by the Defendant Anthem Um Services, Inc. ("Anthem"),¹ and the Motion for Leave to File a Second Amended Complaint (Filing No. 20) submitted by the Plaintiff Rhonda Hughes.

In its Motion to Dismiss, Anthem asserts that Hughes failed to name an indispensable party in her Amended Complaint, *i.e.*, the Goodyear Health and Welfare Plan (the "Plan"), a self-funded employee welfare benefit plan governed by the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§1001-1461, established and maintained by Hughes's husband's employer, The Goodyear Tire & Rubber Company. Hughes does not contest Anthem's position that the Plan is an indispensable party to this litigation, but seeks leave of Court to file a Second Amended Complaint, adding the Plan as a party defendant.

Although Hughes has not complied with the Court's local rule requiring that a copy of the proposed amended pleading be attached to any motion for leave to amend,² Anthem

¹ Anthem asserts that its proper name is Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield. The Second Amended Complaint should correctly reflect Anthem's true name.

² NECivR 15.1 (a) provides: "A party who moves for leave to amend a pleading (including a request to add parties) shall file as an attachment to the motion an unsigned

has not opposed her motion, and it will be granted in the interests of justice. Counsel for Hughes is asked to review the Court's local rules, available on the Court's website, www.ned.uscourts.gov.

IT IS ORDERED:

- 1) The Plaintiff Rhonda Hughes's Motion for Leave to File a Second Amended Complaint (Filing No. 20) is granted;
- 2) The Plaintiff Rhonda Hughes shall file her Second Amended Complaint within ten days of the date of this Order; and
- 3) The Motion to Dismiss (Filing No. 16) filed by Defendant Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield, improperly named as Anthem Um Services Inc., is denied as moot.

Dated this 16th day of June, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

copy of the proposed amended pleading. Except as provided in these rules or by leave of court, the proposed amended pleading must be a complete pleading which, if allowed to be filed, supersedes the pleading amended in all respects; no portion of the prior pleading may be incorporated into the proposed amended pleading by reference. The motion for leave to amend shall set forth specifically the amendments proposed to be made to the original pleading, state whether the motion is unopposed, and identify the amendments in the proposed amended pleading."